

COME NOW the Defendants, The International Group for Historic Aircraft Recovery (“TIGHAR”) and Richard E. Gillespie (“Gillespie”)¹ (collectively “Defendants”), by and through their attorneys, John A. Masterson and Alaina M. Stedillie of Lewis Roca Rothgerber LLP, and William J. Carter of Dean & Carter, PLLC, and respectfully submit their *Motion for Summary Judgment as to Plaintiff’s Claim of Fraud*.

IN SUPPORT OF THIS MOTION, the Defendants state and aver that there is no genuine issue of material fact in that the Plaintiff has failed to provide any evidence to prove his claim for fraud, and fraud cannot be based on a difference of opinion, which justify a grant of summary judgment in the Defendants’ favor on this issue.

IN FURTHER SUPPORT OF THIS MOTION, the Defendants file concurrently herewith their *Memorandum in Support of Defendants’ Motion for Summary Judgment as to Plaintiff’s Claim of Fraud*, which includes a recitation of undisputed material facts. This document, along with its attachments, is incorporated herein by this reference.

WHEREFORE, Defendants respectfully ask that this Court grant their *Motion for Summary Judgment as to Plaintiff’s Claim of Fraud*, enter a judgment as a matter of law in their favor and against Plaintiff, and grant any further and just relief as it deems proper.

¹ It is unclear whether Gillespie is being sued as an individual or in his official capacity. For purposes of the issues presented by this Motion, this distinction is irrelevant, but out of an abundance of caution, Defendants intend Mr. Gillespie to be considered in both capacities.

DATED this 19th day of June, 2014.

THE INTERNATIONAL GROUP FOR HISTORIC
AIRCRAFT RECOVERY and RICHARD E.
GILLESPIE

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of June, 2014, a true and correct copy of the foregoing was electronically served upon all parties registered as CM/ECF users in this case via the Court's CM/ECF electronic mail service including the following:

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_____/s/
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